REMARKS

1. In the above-captioned Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. §102(b) in view of Locacius et al. (U.S. Patent No. 4,535,999). These rejections are traversed and reconsideration is hereby respectfully requested.

2. Claims 1-20 were rejected under 35 U.S.C. §102(b) in view of Locacius. Prior to discussing the merits of the Examiner's position, the applicant believes it would be helpful to first briefly describe and characterize the Locacius reference.

THE LOCACIUS REFERENCE

As stated in Locacius:

> As may be seen from FIG. 1, a plurality of openings are provided for various purposes. In addition to the combustion openings 20, and bolt holes 22, elongate push rod opening 24, coolant openings 25, and high pressure openings 32, clear-through liquid (water, coolant) openings 40, 140 are provided in the main gasket body. [Column 4, lines 50-63].

Locacius describes a single elongated hole that performs the dual function of locating the push rods and providing an oil drain back area. Locacius does *not* describe any alignment holes. The elongate opening 24 of Locacius is a cavity so large with respect to the push rod radius that no true alignment function is performed. Thus, Locacius fails to teach the alignment holes of independent claims 1, 14, and 15.

Further, the high-pressure opening 32, which the Examiner cites as a drain-back hole, is not a drain-back hole. As known in the art, drain-back holes permit oil to drain back or *downward* into the cylinder block from the cylinder head. The high pressure opening 32 provides a conduit whereby high-pressure oil is provided in an *upward* direction from the cylinder block to the cylinder head, the *opposite* direction of how oil flows through a drain-back hole. See, for example, U.S. Patent 6,269,796, which states:

> The inlet port 135 in the oil rail corresponds with an oil feed passage 138 within the rocker box, the interface being made oil-tight by sealing ring 141 or other conventional means. A conduit 139 to the rocker box passage from an oil pump (not shown) is provided in a conventional manner. [Column 4, lines 12-16]

> When using lubricating oil for activation, the oil is dispensed from the injector following the actuation event and may be returned to the engine sump for cooling by normal engine oil cooling means and subsequently re-used. Conveniently, oil drain means are provided to return the oil to the engine sump. If the injector is situated within an enclosed volume of the engine, it is possible to use the engine's conventional existing oil drain means to return the oil. [Column 2, lines 32-40]

Because no push rod is shown in the drawings of Locacius, it is unclear whether or not a push rod could fit through opening 32. Locacius makes no teaching that the push rods cannot fit through opening 32. Thus, Locacius does not teach the advantages of a gasket that provides both alignment holes and drain back holes.

Because it is necessary for oil to drain back from the cylinder head to the cylinder block, and because Locacius has identified the other holes in his gask, Locacius also utilizes the elongate hole 24 as a drain-back hole, as is known in the art. See also U.S. Patent No. 6,237,557, which states "However, use of individual holes is not practical for engines having a relatively large rectangular push rod cavity, since the *cavity allows lubricant to flow from the engine head to* the camshaft, push rod cam follower, and camshaft bearings." [Column 1, line 66 through column 2, line 2, emphasis added.] Thus, because Locacius's push rod hole also serves as the oil drain-back hole, Locacius fails to teach that the one or more drain-back holes are formed such that the one or more push rods are incapable of fitting through the one or more drain-back holes, as set forth in independent claims 1, 14, and 15.

Hence, the applicant respectfully submits that claims 1, 14, and 15 may be passed to allowance.

Locacius fails to teach that: the area of the cylinder head gasket is part of an insert that is attached to a body of the cylinder head gasket, as set forth in dependent claims 2-7; the one or more alignment holes are formed such that a smaller end of one of the one or more push rods is capable of fitting through the one or more alignment holes and a larger end of the one of the one or more push rods is not capable of fitting through the one or more alignment holes, as set forth in dependent claims 9 and 18; the one or more push rods are capable of fitting only through any of the one or more alignment holes, as set forth in dependent claims 10 and 19; the one or more drain-back holes are comprised of a plurality of partial rings disposed near each of the one or more alignment holes, as set forth in dependent claims 12 and 20; nor the one or more alignment holes are capable of providing a *close fit* to an outer diameter of the one or more push rods, as set forth in dependent claim 13.

Furthermore, claims 2-13 and 16-20 are dependent upon an independent claim that is shown to be allowable. For all these reasons, the dependent claims are themselves allowable.

3. No new subject matter is introduced by the above amendments to claim 15.

4. The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication may advance the prosecution of the present application. Notice of allowance of claims 1-20 is hereby respectfully requested.

Respectfully submitted,

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